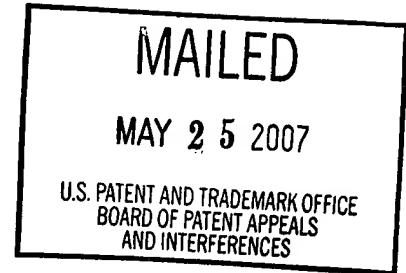


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Ex parte* MICHAEL D. BULLOCK  
and  
JEFFREY G. BULLOCK



Application No. 09/735,002

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BOARD) on October 18, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that on January 25, 2006, Appellants filed an Appeal Brief under the rules set forth in 37 C.F.R. §1.192(c). However, the rules under 37 CFR §1.192 (c) were abolished on September 13, 2004, and replaced by 37 CFR § 41.37(c). A review of the application reveals that the following sections are missing from the Appeal Brief:

- (1) "Claims appendix" as set forth in CFR § 41.37(c)(1)(viii) (replaced "Appendix");
- (2) "Evidence appendix, as set forth in 37 CFR § 41.37(c)(1)(ix); and
- (3) "Related proceedings appendix" as set forth in 37 CFR § 41.37 (c)(1)(x).

Additionally, the Examiner's Answer is found to be non-compliant with the New Rules set forth 37 CFR § 41.37 effective September 13, 2004. The application reveals that the "Evidence Appendix" heading is missing from the Examiner's Answer with the context stated by the Rules.

Accordingly, the Examiner's Answer filed on June 28, 2006 does not correspond with the new rules under 37 CFR § 41.37. It is required that a new Examiner's Answer be provided in compliance with the new rules.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner to:

- have the Appellants submit a new Appeal Brief in compliance with the new rules set forth in 37 CFR § 41.37 (c) ;
- have the Examiner submit a new Examiner's Answer in accordance with the new rules effective September 13, 2004; and
- for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Patrick J. Nolan*

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By: Patrick J. Nolan  
Deputy Chief Appeals Administrator  
(571) 272-9797

PJN/cam

The Law Offices of Kenneth W. Float  
2095 Hwy. 211 N.W.  
Suite 2-F, #356  
Braselton, GA 30517